

LENOX PUBLIC SCHOOLS

Dr. Edward W. Costa II, Superintendent of Schools
 Henry C. Maimin, Director of Business Services
 Cynthia F. Dinan, Director of Student Services



August 18, 2011

Received & Inspected

FCC
 Office of the Secretary
 445 12th Street, SW
 Washington, DC 20554

AUG 22 2011

FCC Mail Room

Re: Docket No 02-02; Appeal of SLD / USAC Determination [see enclosed]

Gentlemen:

We hereby appeal from the determination of the USAC in which our request for E-Rate funding for internet connections via fiber was denied.

The denial was based upon the fact that at the time of submittal [April 2011] we did not possess a signed contract with Time Warner Cable Information Services. Time Warner was just beginning to introduce fiber in our area and it was not clear whether or not we would be able to utilize fiber on our own or as part of a consortium of regional schools.

We have just learned that we need to move forward as an individual school district and would very much like to provide our students with the benefits of fiber optic internet access. We have concluded a contractual arrangement with Time Warner that allows us to install and utilize fiber if we can obtain the forty (40%) percent discount available through the E-Rate program. It is almost certain that we cannot afford to proceed without E-Rate assistance.

We therefore request that the denial of our application be reversed and that our application for E-Rate funding be approved so that we can move forward to provide our students with 21st century technology. Please see contract included with this letter.

Sincerely,

Edward W. Costa II
 Superintendent

No. of Copies made
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Service Agreement

FCC Mail Room

This Time Warner Cable Business Class Service Agreement ("Service Agreement") in addition to the Time Warner Cable Business Class Terms and Conditions ("Terms and Conditions") and any Time Warner Cable Business Class Service Orders (each, a "Service Order"), constitute the Master Agreement by and between customer identified below ("Customer") and Time Warner Cable ("TWC" or "Operator") and is effective as of the date last signed below.

Time Warner Cable Information

Time Warner Cable Inc.

Street: 118 Johnson Rd

City: Portland

State: ME

Zip Code: 04102

Contact: Stephen Burns

Telephone: ext:

Facsimile: 207-253-2536

Customer Information

Customer Name (Exact Legal Name):

The Lenox Memorial Middle and High School

Federal ID No:

*****1198

Billing Address:

6 Walker Street

Suite:

City:

Lenox

State:

MA

Zip Code:

01240

Billing Contact Name:

Henry Maimin

Phone:

(413) 637-5550

E-mail:

hmainin@lenoxps.org

Authorized Contact Name:

Mike Jackson

Phone:

413.637.5560

E-mail:

mjackson@lenoxps.org

Agreement

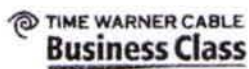
THIS SERVICE AGREEMENT HEREBY INCORPORATES BY REFERENCE THE TERMS AND CONDITIONS (AVAILABLE AT WWW.TWCBC.COM/LEGAL), A COPY OF WHICH WILL BE PROVIDED TO CUSTOMER UPON REQUEST. BY EXECUTING THIS SERVICE AGREEMENT BELOW, CUSTOMER ACKNOWLEDGES THAT: (1) CUSTOMER ACCEPTS AND AGREES TO BE BOUND BY THE TERMS AND CONDITIONS, INCLUDING SECTION 21 THEREOF, WHICH PROVIDES THAT THE PARTIES DESIRE TO RESOLVE DISPUTES RELATING TO THE TIME WARNER CABLE BUSINESS CLASS SERVICES AGREEMENT THROUGH ARBITRATION; AND (2) BY AGREEING TO ARBITRATION, CUSTOMER IS GIVING UP VARIOUS RIGHTS, INCLUDING THE RIGHT TO TRIAL BY JURY.

By signing and accepting below you are acknowledging that you have read and agree to the terms and conditions outlined in this document.

As Per the "Special Terms" section printed in this contract.

Electronic Signature Disclosure

| Authorized Signature for Time Warner Cable Inc. | Authorized Signature for Customer |
|---|--|
| By:  | By:  |
| Name (printed): KEVIN EGAN | Name (printed): Ed. Edward W Costa |
| Title: Governor + Education, TWC | Title: Superintendent of Schools |
| Date: 8/19/2011 | Date: 8/17/11 |



Business Class Customer Service Order

Account Executive: Stephen Burns
Phone: ext:
Cell Phone:
Fax: 207-253-2536
Email: stephen.burns@twcable.com

| | | |
|--------------------------------|---|---|
| Business Name | The Lenox Memorial Middle and High School | Customer Type: |
| Federal Tax ID | Tax Exempt Status | Tax Exempt Certificate # |
| *****1198 | Federal/State/Local | 046001198 |
| Billing Address | Account Number | |
| 6 Walker Street Lenox MA 01240 | | |
| Billing Contact | Billing Contact Phone | Billing Contact Email Address |
| Henry Maimin | (413) 637-5550 | hmainin@lenoxps.org |
| Authorized Contact | Authorized Contact Phone | Authorized Contact Email Address |
| Mike Jackson | 413 637 5560 | mjackson@lenoxps.org |
| Technical Contact | Technical Contact Phone | Technical Contact Email Address |
| Mike Jackson | (413) 637-5560 | mjackson@lenoxps.org |

Internet and Video Order Information For 197 East St Lenox MA 01240

| Service Type | Customer Requested Due Date |
|--------------------------|-----------------------------|
| IPs (Internet Addresses) | |

Internet and Video Order Information For 129 West St Lenox MA 01240

| Service Type | Customer Requested Due Date |
|--------------------------|-----------------------------|
| IPs (Internet Addresses) | |

Dedicated Internet, Metro Ethernet, and Private Line Service Order Information For

| Site Name | Address Location | Location Type | Bandwidth | Customer Requested Due Date |
|-----------|-----------------------------|---------------|-----------|-----------------------------|
| Host | 129 West St Lenox, MA 01240 | Host | 10 mb/s | |
| Host | 197 East St Lenox, MA 01240 | Host | 10 mb/s | |

Monthly Recurring Charge At 129 West St Lenox MA 01240

| Description | Quantity | Sales Price | Monthly Recurring Total | Contract Term |
|---|----------|-------------|-------------------------|---------------|
| 13 Static IP | 1 | \$35.00 | \$35.00 | 36 Months |
| Dedicated Access - ISP 10Mb/s (3 Year) | 1 | \$950.00 | \$950.00 | 36 Months |
| *Total | | | \$ 985.00 | |
| *Prices do not include taxes and fees. | | | | |

Monthly Recurring Charge At 197 East St Lenox MA 01240

| Description | Quantity | Sales Price | Monthly Recurring Total | Contract Term |
|---|----------|-------------|-------------------------|---------------|
| Dedicated Access - ISP 10Mb/s (3 Year) | 1 | \$950.00 | \$950.00 | 36 Months |
| 13 Static IP | 1 | \$35.00 | \$35.00 | 36 Months |
| *Total | | | \$ 985.00 | |
| *Prices do not include taxes and fees. | | | | |

One Time Charge At 129 West St Lenox MA 01240

| Description | Quantity | Sales Price | Total |
|--|----------|-------------|------------------|
| Dedicated Access Installation Fee | 1 | \$500.00 | \$500.00 |
| Total | | | \$ 500.00 |
| *Prices do not include taxes and fees. | | | |

One Time Charge At 197 East St Lenox MA 01240

| Description | Quantity | Sales Price | Total |
|--|----------|-------------|------------------|
| Dedicated Access Installation Fee | 1 | \$500.00 | \$500.00 |
| Total | | | \$ 500.00 |
| *Prices do not include taxes and fees. | | | |

Special Terms

The services, products, prices and terms identified on this Service Order constitute Time Warner Cable's offer to provide such services on such terms. Until Customer has accepted this offer by signing as appropriate below, Time Warner Cable reserves the right to rescind this offer at any time, at its sole discretion.

The Agreement shall be renewable for successive terms unless at least thirty (30) days prior to the expiration of the then-current term, either party notifies the other party of such party's intent not to renew this Agreement. Agreement term and corresponding monthly billing will commence on actual service installation date. Agreement locks in rate for the Time Warner Cable Business Class services for term of contract. Cable television and Work-at-home services are subject to annual price change.

*(KG) * This contract is subject to ERATE Funding. Lenox agrees to notify TWC within 30 days of ERATE notification.*

The term of this Agreement, and the order hereunder, shall be 36 months. In the event that during this period, (a) TWC and the Southern Berkshire Educational Collaborative (SBEC) enter into a network agreement covering the services provided hereunder in the locations covered hereunder (the "SBEC Agreement"), and (b) Lenox Public Schools agrees in writing to order services pursuant to the SBEC Agreement for one or more locations covered by this agreement, and (c) the term for which Lenox Public Schools commits to order services to such locations pursuant to the SBEC Agreement is at least as long as the then-remaining portion of the 36-month term hereunder, then Lenox Public Schools shall have the right to cancel the corresponding services ordered for the applicable locations under this Agreement.

Time Warner Cable's construction will begin when written notification is received of approved funding.

Electronic Signature Disclosure

By signing and accepting below you are acknowledging that you have read and agree to the terms and conditions outlined in this document.

(KG)

[Signature]

Authorized Signature for Time Warner Cable

Kevin Egan - Director, Greenwich Education

Printed Name and Title

8/17/2011

Date Signed

[Signature]

Authorized Signature for Customer

Dr. Edward W. Costa

Printed Name and Title

8/17/11

Date Signed



You first. The technology follows.™

Intrastate Tax Authorization Form

Customer name: The Lenox Memorial Middle :

In order to determine how to treat the Ethernet Solutions services we provide to you for taxation and fee assessment purposes, we ask that you please check one of the boxes below as appropriate.

- ☐ The traffic carried by Time Warner Cable in its provision of Ethernet Solutions services to customer The Lenox Memorial Middle is at least 10% interstate in nature and, therefore, may be classified under FCC rules as jurisdictionally interstate.
- ☒ The traffic carried by Time Warner Cable in its provision of Ethernet Solutions services to customer The Lenox Memorial Middle is intrastate in nature and does not contain traffic that is at least 10% interstate.

Customer signature:

A handwritten signature in dark ink, appearing to be "J. A.", written over a horizontal line.